

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	CRIMINAL NO. _____
<b>v.</b>	<b>:</b>	DATE FILED: _____
<b>WENDELL B. TOLAND, JR.</b>	<b>:</b>	<b>VIOLATION: 18 U.S.C. § 1951</b>
	<b>:</b>	<b>(extortion under color of official right –</b>
	<b>:</b>	<b>1 count)</b>

**INFORMATION**

**COUNT ONE**

**THE UNITED STATES ATTORNEY CHARGES THAT:**

At all times material to this Information:

1. The Minority Business Enterprise Council (“MBEC”), Municipal Services Building, 1401 John F. Kennedy Boulevard, Room 330, Philadelphia, Pennsylvania, was the agency for the City of Philadelphia (the “City”) responsible for certifying disadvantaged business enterprises (“DBEs”). MBEC was also a United States Department of Transportation DBE certifying agency under the Unified Certification Program as promulgated by DOT regulations. Only those minority (“MDBE”), woman (“WDBE”), and disabled (“DSDBE”) owned, disadvantaged business enterprises that have been certified by MBEC may have their participation credited toward the City’s goals of having appropriate disadvantaged business enterprises included in municipal contracts.

2. Defendant WENDELL B. TOLAND, JR. was a Minority Business Enterprise Specialist II for MBEC. As such, TOLAND's job was to ensure that all minority business applicants met the appropriate criteria to become disadvantaged minority business contractors.

3. "John Doe" was the non-disabled white male owner of a Philadelphia, Pennsylvania contractor.

4. "Black Dog Contracting" was a fictitious firm from Mt. Laurel, New Jersey purportedly engaged in general construction and carpentry work.

5. A non-disabled white male undercover agent posed as the owner of "Black Dog Contracting."

#### The Crime

6. In or about April 2000, defendant WENDELL B. TOLAND, JR. accepted approximately \$500 from "John Doe" in exchange for falsely certifying Doe's wife as a WDBE. Doe subsequently utilized the certification to procure a subcontract funded by federal monies.

7. On or about August 29, 2001, defendant WENDELL B. TOLAND, JR. accepted \$100 from the owner of "Black Dog Contracting" in exchange for falsely certifying the owner's wife as a WDBE.

8. On or about February 27, 2002, defendant WENDELL B. TOLAND, JR. accepted \$100 from the owner of "Black Dog Contracting" in exchange for falsely certifying the owner's wife as a WDBE.

9. On or about March 27, 2002, defendant WENDELL B. TOLAND, JR. accepted \$700 from the owner of “Black Dog Contracting” in exchange for falsely certifying the owner’s wife as a WDBE.

10. From in or about April 2000, through in or about March 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**WENDELL B. TOLAND, JR.**

unlawfully obstructed, delayed, and affected commerce, and the movement of articles and commodities in commerce, and attempted to do so, by extortion, in that TOLAND unlawfully obtained and attempted to obtain property and things of value, that is, cash, which was not due TOLAND or his respective office, from “John Doe” and the owner of “Black Dog Contracting,” with the consent of the persons under color of official right.

In violation of Title 18, United States Code, Section 1951.

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**NOTICE OF ADDITIONAL FACTORS**

**THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:**

1. In committing the offense charged in Count One of this information, defendant  
WENDELL B. TOLAND, JR.:

a. Committed an offense involving more than one bribe, as described in  
U.S.S.G. § 2C1.1(b)(1).

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**PATRICK L. MEEHAN**  
**United States Attorney**\_\_\_\_\_

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